

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**NIC BARONE,**  
**Plaintiff**

**v.**

**IDEXCEL, INC., et al.,**  
**Defendant**

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**No. 1:22-cv-01232**

**(Judge Kane)**

**ORDER**

**AND NOW**, on this 10th day of January 2023, in accordance with the accompanying

Memorandum, **IT IS ORDERED THAT:**

1. Defendant Idexcel, Inc. (“Defendant”)’s motion to dismiss (Doc. No. 11) Count II of Plaintiff Nic Barone (“Plaintiff”)’s complaint is **DENIED**; and
2. Idexcel shall file an answer to Plaintiff’s complaint (Doc. No. 1) within twenty-one (21) days of the date of this Order.

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania